

REMARKS

Applicant has carefully reviewed and considered the Examiner's Action mailed December 10, 2007. Reconsideration is respectfully requested in view of the comments set forth below.

By this Amendment, independent claim 7 is amended to include the features described in paragraphs 00053-00057 of the originally-filed application, and claims 1-6, drawn to the non-elected method, are canceled. Accordingly, claims 7-38 are pending in the present application.

Claims 7-10, 37 and 38 are rejected under 35 U.S.C. §102(a) as being anticipated by International Publication WO 02/073086 to Honeywell et al. (hereinafter referred to as "Honeywell"). This rejection is traversed.

The claimed invention is a device for monitoring an area of coverage around a working tool having means for checking the reference background recorded by a camera unit with respect to non-homogeneity, wherein the reference background is rejected as non-valid only if the non-homogeneity detected within a predetermined variance distance falls below a predetermined level and the reference background is otherwise classified as valid. Thus, according to the claimed invention, the monitoring device classifies the reference background and it is necessary to have a **minimum homogeneity**, which is defined by a **variance distance**, to have a valid background.

While Honeywell discloses a visual object detection system with a camera for monitoring an area of interest, its disclosure refers to a steady operation where no object has entered the area of interest and an analyzing operation once the area of interest has been breached by an object. Page 7, lines 10-20 of Honeywell simply describes a

processing system 70 that processes images received from the safety camera 10 to determine if an object has breached a predefined border region 16, and when a breach is determined, the processing system may send an enable or turn-off signal to equipment 12, such as trigger a brake or otherwise stop the operation of equipment 12 (see page 16, lines 10-19 of Honeywell). Honeywell does not disclose, teach or suggest a device for checking the validity of the reference background. Consequently, Honeywell does not disclose that the reference background is rejected as non-valid if within a specified variance distance the determined non-homogeneity falls below a predetermined level.

Honeywell discloses on page 21, lines 25-28 that a new reference image or safety image can be defined when producing new configurations of the monitoring device. Nowhere does this passage even approximately indicated that the non-homogeneity of a reference background could be used as a classification feature for evaluating whether or not the reference background is valid, as required by independent claim 7 of the present application.

While Honeywell employs the term “valid configuration” on page 22, lines 18-27, there is no disclosure of how a valid configuration is determined. Honeywell suggests that a reference image for the current lighting conditions, if the safety zone is determined to be empty, would be valid. That is, if lighting conditions change, references images may be adapted anew. Whereas, the claimed invention compares actual images of the security images with a reference background that is classified as valid where the reference background is rejected as non-valid only if the non-homogeneity detected within a predetermined variance distance falls below a predetermined level. Honeywell fails to disclose an analysis to determine where the reference background has a

sufficiently non-homogenous structure and thus, does not disclose a minimum homogeneity which is defined by a variance distance, as stated above and required in independent claim 7 of the present application.

Consequently, it is submitted that Honeywell cannot anticipate the claimed invention because it fails to disclose each and every feature of the claimed invention. Withdrawal of this rejection is requested.

Claims 11-16 and 18-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Honeywell in view of U.S. Patent No. 3,010,024 to Barnett et al. (hereinafter referred to as “Barnett”). Claims 25-36 were rejected under 35 U.S.C. §103(a) as being unpatentable over Honeywell in view of U.S. Patent Application Publication No. 2001/0041077 to Lehner et al. (hereinafter referred to as “Lehner”). These rejections are traversed.

Barnett is directed to a missile tracking system and was applied for its teachings of “a detection system using a beam divider (28) in addition to two cameras (10 and 11) to provide a redundant system.” See bottom paragraph on page 4 of the Action. Barnett does not provide any disclosure to the analysis according to the claimed invention of a minimum non-homogeneity of a reference background. Thus, Barnett cannot cure the defects of Honeywell. Consequently, no combination of Honeywell and Barnett can render the claimed invention unpatentable. Withdrawal of this rejection is requested.

Lehner is directed to an apparatus and method for monitoring a detection region of a working element. Lehner is applied for teachings directed to a warning zone in addition to a security zone. While Lehner uses the term “background”, Lehner does not

disclose means for checking the reference background recorded by a camera unit with respect to non-homogeneity, wherein the reference background is rejected as non-valid only if the non-homogeneity detected within a predetermined variance distance falls below a predetermined level and the reference background is otherwise classified as valid. Thus, Lehner cannot cure the defects of Honeywell and any combination of Honeywell and Lehner would not result in the claimed invention. Withdrawal of this rejection is requested.

Conclusion

Applicant has fully responded to each matter of substance raised in the Office Action and believe that the case is in condition for allowance. Withdrawal of the rejections and allowance of claims 7-38 of the application is therefore courteously solicited.

Should the Examiner believe that a conference would advance the prosecution of this application, he is encouraged to telephone the undersigned counsel to arrange such a conference.

Respectfully submitted,

Date: March 10, 2008


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